

**REMARKS/DISCUSSION OF ISSUES**

By this amendment, Applicant cancels claim 4 and adds new claim 21.

Accordingly, claims 1-3 and 5-21 are pending in the application.

Reexamination and reconsideration are respectfully requested in view of the following remarks.

**35 U.S.C. § 103**

The Office Action rejects claim 1, 2, 4, 5 and 12 under 35 U.S.C. § 103 over Hardesty U.S. Patent 2,945,313 ("Hardesty") in view of Nagai U.S. Patent 5,115,379 ("Nagai") and claims 3, 7 and 11 under 35 U.S.C. § 103 over Hardesty in view of Nagai and further in view of Kawano et al. U.S. Patent 6,404,131 ("Kawano").

Applicant respectfully traverses those rejections for at least the following reasons.

**Claim 1**

Among other things, the device of claim 1 includes an optical waveguide plate.

Applicant respectfully submits that Hardesty does not include an optical waveguide.

The Office Action states that such a feature is disclosed in Hardesty as element 62.

Applicant respectfully disagrees.

Applicant respectfully submits that Hardesty does not disclose that the light transmitting panel 62 is an optical waveguide. Instead, Hardesty discloses at col. 7, lines 7-8 that element 62 is "generally the same" as element 22 of FIGs. 1 and 2. Meanwhile, Hardesty discloses that "light-transmitting panel 22 comprises a flat, highly transparent sheet or plate of suitable size" (col. 4, line 74 - col. 5, line 1). Applicant respectfully submits that panel 62 appears to be nothing more than a plain sheet of Plexiglas, and that nothing in Hardesty discloses that it is an optical waveguide.

The Office Action cites col. 2, line 71 and col. 7, line 38 as referring to the light transmitting panel 62 as a "light conducting panel."

Applicant agrees that element 62 conducts or transmits light. However, Applicant respectfully submits that element 62 is not an optical waveguide. In particular, Applicant respectfully traverses the statement in the office Action that "the light conducting panel of Hardesty is used for conduction of light, this light conduction panel therefore meets the limitation of "optical waveguide."

As is very well known in the art, an optical waveguide is not merely any device which conducts light. Any transparent medium will conduct light, but that does not make it an optical waveguide. No, instead, an optical waveguide is a device which confines and guides, or directs, the propagation of light waves (see attached computer printouts of definitions by "Merriam-Webster" and "Wikipedia"). See also the U.S.P.T.O.'s definition of optical waveguides, Class 385, at <http://www.uspto.gov/go/classification/uspc385/defs385.htm>.

Thus, optical conduction is a necessary, but insufficient, condition for an optical waveguide.

Meanwhile, Applicant sees nothing in Hardesty disclosing that element 62 is an optical waveguide, or that it confines and guides, or directs, the propagation of light waves.

Nagai does not remedy this shortcoming.

Therefore, no combination of Hardesty and Nagai could produce the device of claim 1.

Accordingly, for at least these reasons, Applicant respectfully submits that the device of claim 1 is patentable under 35 U.S.C. § 103 over Hardesty and Nagai.

Claims 2, 5 and 12

Claims 2, 5 and 12 depend from claim 1 and are deemed patentable for at least the reasons set forth above with respect to claim 1.

Claims 3, 7 and 11

Claims 3, 7 and 11 depend from claim 1. Applicant respectfully submits that Kawano does not remedy the shortcoming of Hardesty and Nagai with respect to claim 1. Accordingly, Applicant respectfully submits that claims 3, 7 and 11 are patentable for at least the reasons set forth above with respect to claim 1, and for the

following additional reasons.

Claim 11

In the device of claim 11, edges of the cavities lying opposite the upper side are surrounded by a second reflecting layer

The Office Action states that such a feature is disclosed in Kawano as element 17a.

Applicant respectfully disagrees.

Kawano teaches that element 17a is a light reflective surface on an inner wall of a light reflective case 16a wherein the display body 11 is installed and supported. Applicant respectfully submits that light reflective surfaces provided only on an inner wall of the light reflective case do not surround the edges of the cavity 13 in Kawano. Compare this to the exemplary embodiment 205 shown in FIG. 2 of the drawings for the present patent application.

Accordingly, for at least these additional reasons, Applicant respectfully submits that claim 11 is patentable over Hardesty and Nagai in view of Kawano.

NEW CLAIM 21

Among other things, the lighting device of claim 21 includes a plurality of light extraction elements disposed on the light emission surface.

Applicant respectfully submits that no combination of the cited prior art references would produce a lighting device including all of the features of claim 21, particularly a plurality of light extraction elements disposed on the light emission surface.

PROVISIONAL OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTIONS

Applicant acknowledges the *provisional* obviousness-type double patenting rejections of: claims 1-7 and 12 over claims 1-7 and 12 of co-pending U.S. Patent Application 10/050,260 in view of Kawano; claims 1, 3, 7 and 8 over claim 8 of co-pending U.S. Patent Application 10/050,260 in view of Kawano; claims 1 and 9 over claim 9 of co-pending U.S. Patent Application 10/050,260 in view of Kawano; claims

1, 10 and 11 over claims 10 and 11 of co-pending U.S. Patent Application 10/050,260 in view of Kawano; claims 13-18 over claim 8 of co-pending U.S. Patent Application 10/050,260 in view of Kawano; claims 13, 15 and 19 over claims 13 and 14, and 19 of co-pending U.S. Patent Application 10/050,260 in view of Kawano; and claims 13 and 20 over claim 10 of co-pending U.S. Patent Application 10/050,260 in view of Kawano. Once this application is deemed by the Examiner otherwise to be in condition for allowance such that no further amendments are needed, Applicant will be prepared to sign and submit an appropriate, proper Terminal Disclaimer.

### CONCLUSION

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 1-3 and 5-21 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (703) 715-0870 to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment (except for the issue fee) to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17, particularly extension of time fees.

Respectfully submitted,

VOLENTINE FRANCOS & WHITT, P.L.L.C.

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By:   
Kenneth D. Springer  
Registration No. 39,843

VOLENTINE FRANCOS & WHITT, P.L.L.C.  
One Freedom Square  
11951 Freedom Drive, Suite 1260  
Reston, Virginia 20190  
Telephone No.: (703) 715-0870  
Facsimile No.: (703) 715-0877